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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/721,988

11/25/2003

Daniel A. Linzmeier

29505/39390

6981

29978

7590

02/23/2005

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EXAMINER

PATEL, NITIN

ART UNIT

PAPER NUMBER

2673

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/721,988

**Applicant(s)**

LINZMEIER ET AL.

**Examiner**

Nitin Patel

**Art Unit**

2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-16, 19-22, 24, 25, 27-31 and 35-38 is/are rejected.
- 7) ☒ Claim(s) 5-7, 17, 18, 23, 26 and 32-34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-4,8-16,19-22,24,25,27-31,35-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Booth Jr.et al., (U.S. patent No. 5,428,265).

As per claims 1,31 Booth shows a display for presenting a visual image (element 34 In Fig.1); and a processor for determining an intensity of a backlight for illuminating the display (element 30 In fig.1) and a controller coupled to the display and the processor (in Fig.1 element 22 and In col.3 lines 55-67 to Col.4 lines 1-15).

As per claims 2,30 Booth shows multiple different types of lamps (In Fig.4 element 162,164,182,184 is inherently a multiple colors which include red, green and blue colors).

Art Unit: 2673

As per claims 3,4,14,15,16,24,25 Booth shows a hue of the pixel array is retained when the visual image is optimized and saturation of pixel in pixel array (In Col.5 lines 23-34).

As per claim 8,20 Booth shows the pixel of the pixel array is adjusted in accordance with the intensity of the backlight at the pixel (In col.4 lines 2-16 teaches that LCD display having a appropriate signal which could be each pixel on the display device).

As per claims 9,36 Booth shows electronic device is one of wireless communication device and PDA (In col.10 lines 5-15 that these invention could have used in any LCD display device which could as a mobile device such as phone or PDA).

As per claim 10,19,28 Booth shows controller-using look up table to optimize based in the intensity of an image signal (In col.9 lines 20-25).

As per claims 11,12 Booth shows intensity of the backlight respect to incoming light in a buffer memory (in fig.2 element 68,70 and In col.4lines 58-64).

As per claim 13 is rejected by similar limitation of claim 1, which nothing but a method claim.

As per claim 21, Booth shows a first input receiving a first data display as the image (video signal element 30 In Fig.1); a second input corresponding to a backlight intensity of a display having pixel (In Fig.1 element 28 day/night signal) and an output for driving the pixel of the display of the display (In Fig.1 element 30 outputted from the processor) and a processor for adjusting a brightness of the pixel responsive to one of the first and second input (in Fig.1 element 24 controlling the both output signals).

Art Unit: 2673

As per claim 22, Booth shows the second input is one of an indication of backlight intensity and a second data for use in adjusting the backlight intensity (in col.4 lines 48-65 by using different frequency to control the brightness of the display color).

As per claims 27,35,38 Booth shows the display is adjusted image based on the intensity of the backlight intensity in portion of the display (in col.5 lines 23-34).

As per claim 31,Booth shows a hue of the pixel array is retained when the visual image is optimized and saturation of pixel in pixel array (In Col.5 lines 23-34).

As per claim 37 Booth shows controller-using look up table to optimize based in the intensity of an image signal (In col.9 lines 20-25).

### ***Allowable Subject Matter***

3. Claim 5-7, 17,18,23,26,32-34 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art fails to teach or suggest the level of one of the red, green and the blue setting is adjusted inversely proportionally to the intensity of the backlight until one of the setting would exceed a limit value, the one of the setting is set to a maximum value and an adjustment proportional to a change of the one of the setting is used for remaining setting as claimed in claims 5,6,7,17,18,23,26,32-34.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nitin Patel whose telephone number is 703-308-7024. The examiner can normally be reached on 8:00-5:00.

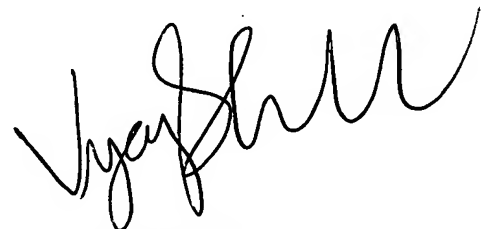
Art Unit: 2673

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin H Shalwala can be reached on 703-305-4938. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NP

February 21, 2005

A handwritten signature in black ink, appearing to read 'Vijay Shankar', with a stylized, cursive script.

VIJAY SHANKAR  
PRIMARY EXAMINER